

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL LAWRENCE McGARRY,  
Plaintiff,  
v.  
NICK JOHNSON, et al.,  
Defendants.

No. 2:23-cv-00102 TLN AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On January 19, 2023, the court denied plaintiff’s request to proceed in forma pauperis (ECF No. 2) due to plaintiff’s income and assets. ECF No. 3. The court ordered plaintiff to pay the filing fee no later than February 3, 2023. Id. Plaintiff was cautioned that failure to pay the filing fee would result in a recommendation that this case be dismissed. Plaintiff has not paid the filing fee or taken any action to prosecute this case. Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to pay the filing fee. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. Such document should be captioned "Objections to Magistrate Judge's  
2 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file  
3 objections within the specified time may waive the right to appeal the District Court's order.  
4 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: February 6, 2023

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE

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